

EDWARD P. MANGANO
County Executive



CARNELL T. FOSKEY
County Attorney

COUNTY OF NASSAU
OFFICE OF THE COUNTY ATTORNEY
One West Street
Mineola, New York 11501-4820
516-571-3056
FAX: 516-571-6604

April 23, 2014

Law Offices of Anthony M. Grandinette
114 Old Country Road
Suite 420
Mineola, NY 11501

Re: **THOMAS M. MOROUGHAN v. THE COUNTY OF SUFFOLK**
Index No. CV-0512 (JFB)(AKT)

Dear Counsel,

This letter is in response to the Order of the Court (Magistrate Judge A. Kathleen Tomlinson) (DE125) which granted in part plaintiff's letter-motion to compel the production of certain discovery from Nassau County defendants (¶1, (A)(B)(C)).

At the outset it should be noted that as to the Nassau County defendants all discovery that was heretofore required to be produced has been produced. With regard to ¶1, (A), Nassau County previously provided all email exchanges including attachments (see DE 77 and letter dated May 15, 2013) and the cell phone numbers of the DFRT team and others, but Nassau County had not provided the records of the telephone calls between and among members of the DFRT on February 27, 2011 because, pursuant to the minute order of the Court dated February 5, 2013 (DE 61), Nassau County was not required to do so. Nassau County provided the telephone records of Officer Edward Bienz, but, as to the members of the DFRT, the Court (DE61) did not require production of their cell phone records.

Pursuant to the new directive to produce the cell phone calls which took place between and among members of the DFRT on February 27, 2011, the cell phone records are provided herein as Exhibit A, with the single exception of cell phone records of defendant John Hunter, who is represented by separate counsel and who has been provided with the records of his cell phone calls for February 27, 2011. Redacted from the attached cell phone records are personal calls but calls to persons in the NCPD who are not members of the DFRT are included.

As to ¶1, (B), dates have been provided to all counsel for the continued deposition of Sgt. Timothy Marinace.

As to ¶1, (C), disciplinary records and civilian complaints, if any, dating back five years have previously been provided (see letter dated May 8, 2013).

Very truly yours,

CARNELL T. FOSKEY
NASSAU COUNTY ATTORNEY

Michael J. Ferguson, Esq.
Deputy County Attorney
(516) 571-3054

Encl.

cc:

Magistrate Judge A. Kathleen Tomlinson
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Brian C. Mitchell, Assistant County Attorney
Suffolk County Attorney
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, NY 11788

Amy Beth Marion, Esq.
Barket Marion Epstein & Kearon, LLP
666 Old Country Road
Garden City, NY 11530

Frank Schroeder, Esq.
Congdon, Flaherty, O'Callaghan, Reid, Donlon, Travis and Fishlinger
333 Earle Ovington Blvd., Suite 502
Uniondale, NY 11553-3622